

## REMARKS

This is a complete response to the Examiner's Office Action dated June 23, 2004, wherein claims 1-24 were rejected under 35 USC §103 as being unpatentable by U.S. Patent No. 6,358,546 to Bebiak in view of U.S. Patent No. 6,317,719 to Schrier. No other objections or informalities were noted.

Applicant has amended the two independent claims adding the step of requiring a veterinarian to diagnose a veterinarian patient. This added further limitation in the claims does not add new matter to the application. Applicant would argue that the additional limitation makes the obviousness rejection raised by the Examiner as moot, but would further provide the following argument if the Examiner does not concur.

Applicant respectfully disagrees with the Examiner that the current invention is obvious in light of the prior art for the foregoing reasons. According to the Examiner, the two independent claims, Claims 1 and 13, would have been obvious to one of ordinary skill in the art to modify the system of Bebiak with the features in Schrier "in order to provide to enable a user to order precise quantities or amounts of treatment agents online."

Bebiak describes "methods for customizing pet food for an individual pet" and is clearly directed toward a method of individually manufacturing pet foods for an individual pet in consideration of dietary and nutritional needs via the computer and internet. It does not appear that a veterinary care issues for radiology are taught, suggested, or contemplated.

Schrier describes "systems and methods for processing data relating to use of a drug by a patient that receives information and determine a dosage of the drug basis of the patient information." Schrier does relate to applying medical information and specifically drugs via computer and the internet, but nowhere does it appear that veterinary care issues for radiology

are taught, suggested or contemplated. Furthermore, Schrier does not suggest, teach or contemplate medical treatment in any matter related to oncology even in humans.

It is understood that Applicant can not argue nonobviousness by attacking referencing individually wherein the rejection is based on a combination of references. M.P.E.P. 2145.

There must be, however, some suggestion or motivation, either in the references themselves or in the knowledge generally available to one skilled in the art, to modify or combine references or teachings.

Applicant would respectfully argue that one of ordinary skill in the art would not have been motivated to combine the prior art into veterinary oncology services via the internet and a computer. Applicant would further respectfully argue that the amended claims further make the invention nonobvious.

### CONCLUSION

Applicant considers this to be a full response to the Office Action. Applicant believes that the application is now in condition for allowance and earnestly seeks such by the Examiner. Applicant's attorney would welcome a call to address any issues.

Sincerely,



Martin G. Ozinga, Reg. No. 44,992  
Phillips McFall McCaffrey McWay & Murrah, P.C.  
One Leadership Square, 12<sup>th</sup> Floor  
211 N. Robinson Ave.  
Oklahoma City, OK 73102  
405-235-4100 ph 405-552-2476 facsimile  
[ip@phillipsmcfall.com](mailto:ip@phillipsmcfall.com)

Attorney for Applicant